

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the previous amendments and the following remarks.

The specification and abstract are amended to address the issues raised in paragraphs "1" and "2" of the Official Action. Withdrawal of the objections to the disclosure and abstract is therefore respectfully requested.

The claims are amended to address the issues raised in paragraph "4" of the Official Action. Withdrawal of the rejections under 35 U.S.C. § 112, second paragraph is therefore respectfully requested.

Before turning to the claims, a brief discussion of the disclosed unit for applying opening devices to packages is provided. The unit 1 includes first conveying means 20 for feeding the packages 3 successively along a first path P1, and a carousel conveyor 10 provided with gripping means 26 for receiving the opening devices 2 at a pickup station 11. The gripping means 26 move cyclically between the pickup station 11 and an application station 12 interfacing with the first path P1 where the opening devices 2 are applied to respective packages 3. A trajectory of the gripping means 26 from the application station 12 to the pickup station 11, i.e., the portion of the circular path P3 between the application station 12 and the pickup station 11, is distinct from the first path P1, as illustrated in Fig. 1. The unit also includes a pressure device 31 distinct from the carousel conveyor 10 and provided with pressure means 33 generating a contact pressure between the packages 3 and the opening devices 2 along at least a portion of the first path P1.

Claim 1 is rejected as being anticipated by U.S. Patent No. 5,284,001, hereinafter Ochs.

Claim 1 recites a unit for applying opening devices to packages of pourable food products having a rupturable portion including, *inter alia*, first conveying means for feeding the packages successively along a first path, and gripping means for receiving the opening devices at a pickup station. The gripping means move cyclically between the pickup station and an application station interfacing with the first path where the opening devices are applied to respective packages. A trajectory of the gripping means from the application station to the pickup station is distinct from the first path. The unit also includes pressure means generating a contact pressure between the packages and the opening devices along at least a portion of the first path.

Ochs discloses a straight line capper including a conveyor 4 which moves the containers 1 along an upper run 31, and a racetrack-shaped conveyor 13 provided with closure holders 12. The closure holders 12 include chucks 17 and operate to cap the containers 1. The race-track shaped conveyor 13 moves the closure holders 12 from where the closures are applied to the containers 1 to where the closures received by the closure holders (i.e., feed star 16) in a path that has a portion aligned with the upper run 31, as illustrated in Fig. 3.

The Official Action takes the position that Ochs' closure holders 12 constitute gripping means, the holder chucks 17 constitute pressure means, and the upper run 31 constitutes a first path. However, as the closure holders 12 move in a path between applying the closures and receiving the closures that has a portion aligned with the upper run 31, that trajectory of the closure holders 12 is not distinct from the upper run 31. Accordingly, Ochs does not disclose, teach or suggest a unit for applying opening devices to packages including first conveying means for feeding

the packages successively along a first path, and gripping means for receiving the opening devices at a pickup station, wherein the trajectory of the gripping means from the application station to the pickup station is distinct from the first path, in combination with the other elements recited in Claim 1.

Moreover, to further distinguish Claim 1 from the Ochs, Claim 1 is amended to recite that the gripping means are provided on a carousel conveyor, and that the pressure means are provided on a pressure device which is distinct from the carousel conveyor.

As discussed above, the Official Action takes the position that Ochs' closure holders 12 constitute gripping means. However, those closure holders 12 are not provided on a carousel conveyor. Instead, as illustrated in Fig. 3, they are provided on a racetrack-shaped conveyor 13. Accordingly, Ochs does not disclose, teach or suggest a unit for applying opening devices to packages including a carousel conveyor provided with gripping means for receiving the opening devices, in combination with the other features recited in amended Claim 1.

Moreover, as discussed above, the Official Action takes the position that Ochs' holder chucks 17 constitute pressure means. However, those holder chucks 17 are not provided on a pressure device distinct from the conveyor 13. Instead, as illustrated in Fig. 5, they are provided on the conveyor 13 as part of the closure holders 12. Accordingly, Ochs does not disclose, teach or suggest a unit for applying opening devices to packages including a conveyor provided with gripping means for receiving the opening devices, and a pressure device distinct from the conveyor and provided with pressure means generating a contact pressure between

the packages and the opening devices, in combination with the other features recited in amended Claim 1.

For the above reasons, Claim 1 is allowable over Ochs, and withdrawal of the rejection of Claim 1 is respectfully requested.

New Claim 20 recites a unit for applying opening devices to packages of pourable food products having a rupturable portion, including a conveyor for feeding the packages successively along a linear path, a plurality of grippers rotatable about a common axis so that the grippers move along a circular path from a pickup station at which each gripper receives one of the opening devices to an application station at which the opening device is applied to one of the packages, and a movable pressure member separate from the grippers and movable along at least a portion of the linear path to press the opening device against the package during the feeding of the package.

Applicants respectfully submit that Ochs' closure holders 12 do not rotate about a common axis so that the grippers move along a circular path from a pickup station for receiving opening devices to an application station for applying the opening devices to packages. As illustrated in Fig. 1, each closure holder 12 instead moves linearly upon receipt of a closure 7.

Accordingly, Ochs does not disclose, teach or suggest a unit for applying opening devices to packages, including a conveyor for feeding the packages successively along a linear path and a plurality of grippers rotatable about a common axis so that the grippers move along a circular path from a pickup station at which each gripper receives one of the opening devices to an application station at which

the opening device is applied to one of the packages, in combination with the other features recited in new Claim 20.

Additionally, Applicants respectfully submit that Ochs' holder chucks 17 are not separate from the closure holders 12. Instead, Ochs' holder chucks 17 are part of the closure holders 12.

Accordingly, Ochs does not disclose, teach or suggest a unit for applying opening devices to packages, including a movable pressure member separate from grippers and movable along at least a portion of a linear path to press an opening device against a package during the feeding of the package, in combination with the other features recited in new Claim 20.

New Claim 20 is therefore also allowable over Ochs.

The dependent claims are allowable at least by virtue of their dependence from allowable Claim 1. Thus, a detailed discussion of the additional distinguishing features recited in the dependent claims is not set forth at this time.

Early and favorable action with respect to this application is respectfully requested.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful

in resolving any remaining issues pertaining to this application the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: October 6, 2008

By: Peter T. deVore
Matthew L. Schneider
Registration No. 32814

Peter T. deVore
Registration No. 60361

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620